

REMARKS

Claims 1-139 are pending in this application with no additional amendments. No new matter is being entered.

Rejections Under 35 USC § 102

Claims 1-13, 15-18, 55-60, and 139 stand rejected under 35 USC § 102(e) as allegedly being anticipated by Smalley et al. (US 2003/0133865 A1) (“Smalley”). Reconsideration is respectfully requested.

In view of the Declaration submitted herewith under 37 C.F.R. § 1.131 by inventor Dr. Mohammad F. Islam, Applicant respectfully submits that the subject matter of the present application was invented prior to the effective date of Smalley. The attached declaration is accompanied by Dr. Islam’s resume (Exhibit A) and copies of relevant pages of Dr. Islam’s laboratory notebook (Exhibit B), which illustrate the conception of the claimed invention prior to Smalley, followed by diligent reduction to practice of the claimed invention. Applicant respectfully requests that these rejections be withdrawn.

Rejections Under 35 USC § 103

Claims 19-30, 35, 36, 98, and 99 stand rejected under 35 USC § 103(a) as being unpatentable over Smalley, as applied to claim 1 as stated above. In view of the Declaration submitted herewith which removes the Smalley reference as being prior art against the claims, Applicant respectfully requests that these rejections be withdrawn.

Claims 14 and 31-34 stand rejected under 35 USC § 103(a) as being unpatentable over Smalley as applied to claim 1 as stated above, and in further view of Wei et al. (US 6,899,947)(“Wei”). In view of the Declaration removing the Smalley reference, Applicant respectfully requests that these rejections be withdrawn.

Claims 37-52 stand rejected under 35 USC § 103(a) as being unpatentable over Lobovsky et al. (US 2002/0113335) (“Lobovsky”) in view of Smalley. On the basis of the Declaration submitted herewith, Applicant respectfully requests that these rejections be withdrawn.

Claims 53 and 54 stand rejected under 35 USC § 103(a) as being unpatentable over Lobovsky in view of Smalley as applied to claim 37 above, in further view of Yamamoto et al. (*Journal of Physics D*). On the basis of the Declaration submitted herewith, Applicant respectfully requests that these rejections be withdrawn.

Claims 61-63, 69, 70, 72, 74-101, 103-109, and 124-126 stand rejected under 35 USC § 103(a) as being unpatentable over Glatkowski (US 2003/0122111) (“Glatkowski”) in view of Smalley. On the basis of the Declaration submitted herewith, Applicant respectfully requests that these rejections be withdrawn.

Claims 64-68 stand rejected under 35 USC § 103(a) as being unpatentable over Glatkowski in view of Smalley and Wei. On the basis of the Declaration submitted herewith, Applicant respectfully requests that these rejections be withdrawn.

Claims 71 and 102 stand rejected under 35 USC § 103(a) as being unpatentable over Glatkowski in view of Smalley as applied to claims 69 and 74 above, and further in view of Wei. On the basis of the Declaration submitted herewith, Applicant respectfully requests that these rejections be withdrawn.

Claim 73 stands rejected under 35 USC § 103(a) as being unpatentable over Glatkowski in view of Smalley as applied to claim 69, and further in view of Cho et al. (US 7013708). On the basis of the Declaration submitted herewith, Applicant respectfully requests that these rejections be withdrawn.

Claims 110 and 111 stand rejected under 35 USC § 103(a) as being unpatentable over Glatkowski in view of Smalley as applied to claim 105 above, and further in view of Pienkowski et al. (US 2002/0001620). On the basis of the Declaration submitted herewith, Applicant respectfully requests that these rejections be withdrawn.

Claims 112-122 stand rejected under 35 USC § 103(a) as being unpatentable over Glatkowski in view of Smalley as applied to claim 75 above, and further in view of Ilmain (*Nature*). On the basis of the Declaration submitted herewith, Applicant respectfully requests that these rejections be withdrawn.

Claim 123 stands rejected under 35 USC § 103(a) as being unpatentable over Glatkowski in view of Smalley as applied to claim 74 above, and further in view of de Heer et al (*Science*). On the basis of the Declaration submitted herewith, Applicant respectfully requests that these rejections be withdrawn.

Claims 127-133 stand rejected under 35 USC § 103(a) as being unpatentable over Glatkowski in view of Smalley as applied to claim 126 above, and further in view of Shambaugh (US 7001556). On the basis of the Declaration submitted herewith, Applicant respectfully requests that these rejections be withdrawn.

Claims 134-136 stand rejected under 35 USC § 103(a) as being unpatentable over Glatkowski in view of Smalley as applied to claim 75 above, and further in view of Smith et al. (*Applied Physics Letters*). On the basis of the Declaration submitted herewith, Applicant respectfully requests that these rejections be withdrawn.

Claims 137 and 138 stand rejected under 35 USC § 103(a) as being unpatentable over Glatkowski in view of Smalley as applied to claim 74 above, and further in view of Barrera et al. (WO 01/92381). On the basis of the Declaration submitted herewith, Applicant respectfully requests that these rejections be withdrawn.

Conclusion

In view of the foregoing remarks, including the attached Declaration, it is respectfully submitted that this application is in condition for allowance. Reconsideration of this application and early Notice of Allowance are respectfully requested.

Should the examiner for any reason feel that the declaration is insufficient, or that additional information is required, the examiner is respectfully encouraged to call Applicant's undersigned attorney at the phone number provided below.

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/ DaLesia Boyd /
DaLesia Boyd
Registration No. 65,561

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439